

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

STREAMBEND PROPERTIES III, LLC and
STREAMBEND PROPERTIES IV, LLC,

Plaintiffs,

v.

ORDER

Civil File No. 10-4745 (MJD/SER)

SEXTON LOFTS, LLC, et al.,

Defendants.

Sara M. G. Rojas, The Law Offices of Sara M. G. Rojas, Counsel for Plaintiffs.

D. Charles Macdonald, Faegre Baker Daniels LLP, Counsel for Defendant Robert T. Myers.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Steven E. Rau, dated July 24, 2013. Plaintiffs filed objections to the Report and Recommendation.

Pursuant to statute, the Court has conducted a de novo review upon the record. 28 U.S.C. § 636(b)(1); Local Rule 72.2(b). Based upon that review, the Court adopts the Report and Recommendation of United States Magistrate Judge Rau dated July 24, 2013. Regardless of the applicability of the law-of-the-case

doctrine, the Court concludes that the sound reasoning in the January 28, 2013 Report and Recommendation [Docket No. 196] and the February 25, 2013 Order adopting that Report and Recommendation [Docket No. 201] applies with equal force to the merits of Defendant Robert T. Myers' motion to dismiss.

Accordingly, based upon the files, records, and proceedings herein, **IT IS**

HEREBY ORDERED:

1. The Court **ADOPTS** the Report and Recommendation of United States Magistrate Judge Steven E. Rau, dated July 24, 2013 [Docket No. 283].
2. Plaintiffs' Request for Entry of Default against Robert T. Myers [Docket No. 117] is **DENIED** as moot.
3. Plaintiffs' Motion for Entry of Default against Robert Myers [Docket No. 194] is **DENIED** as moot.
4. Defendant Robert T. Myers' Motion to Dismiss [Docket No. 210] is **GRANTED**.
5. Robert T. Myers is **DISMISSED** with prejudice

Dated: August 26, 2013

s/ Michael J. Davis

Michael J. Davis

Chief Judge

United States District Court